

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ABBVIE INC., ABBVIE LTD., and)	
NEUROCRINE BIOSCIENCES, INC.)	
)	
Plaintiffs,)	
)	
v.)	
)	C.A. No. 22-1423-RGA-JLH
ALKEM LABORATORIES LIMITED, et al.,)	
)	
Defendants.)	
)	
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ABBVIE INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	C.A. No. 23-374-RGA
TEVA PHARMACEUTICALS, INC.,)	
)	
Defendant.)	
)	
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ABBVIE INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	C.A. No. 23-448-RGA
HETERO LABS LIMITED, HETERO LABS)	
LIMITED UNIT-V, and HETERO USA INC.,)	
)	
Defendants.)	
)	

ABBVIE INC.,

Plaintiff,

v.

PRINSTON PHARMACEUTICAL INC.,
ZHEJIANG HUAHAI PHARMACEUTICAL
CO., LTD., and SOLCO HEALTHCARE US,
LLC,

Defendants.

C.A. No. 23-470-RGA

ABBVIE INC.,

Plaintiff,

v.

PRINSTON PHARMACEUTICAL INC.,
ZHEJIANG HUAHAI PHARMACEUTICAL
CO., LTD., and SOLCO HEALTHCARE US,
LLC,

Defendants.

C.A. No. 23-607-RGA

ABBVIE INC.,

Plaintiff,

v.

SUN PHARMACEUTICAL INDUSTRIES
LIMITED,

Defendant.

C.A. No. 23-684-RGA

ABBVIE INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	C.A. No. 23-750-RGA
LUPIN LIMITED and LUPIN)	
PHARMACEUTICALS, INC.,)	
)	
Defendants.)	
)	

**STIPULATION AND [PROPOSED] ORDER CONCERNING
AMENDED COMPLAINT AND CONSOLIDATION**

WHEREAS, on October 27, 2022, Plaintiffs AbbVie Inc., AbbVie Ltd, and Neurocrine Biosciences, Inc. (collectively, “Plaintiffs”) filed C.A. No. 22-1423-RGA-JLH in this Court in connection with Abbreviated New Drug Applications in which the defendants in those cases seek approval to market a generic version of Plaintiffs’ ORILISSA[®] product in the United States prior to the expiration of U.S. Patent Nos. 7,056,927, 7,716,211, 7,419,983, 10,537,572, 10,682,351, and/or 11,344,551;

WHEREAS, in April, June, and July 2023, Plaintiff AbbVie Inc. filed the following six Hatch-Waxman actions in this Court in connection with Abbreviated New Drug Applications in which the defendants in those cases seek approval to market a generic version of Plaintiffs’ ORILISSA[®] product in the United States prior to the expiration of U.S. Patent Nos. 10,537,572, 10,682,351, and/or 11,542,239: C.A. Nos. 23-374-RGA, 23-448-RGA, 23-470-RGA, 23-607-RGA, 23-684-RGA, 23-750-RGA;

WHEREAS, pursuant to Fed. R. Civ. P. 15(a)(2) and D. Del. LR 15.1, the parties agree that Plaintiffs may file the Amended Complaint attached hereto as Exhibit 1;

WHEREAS, C.A. Nos. 22-1423-RGA-JLH, 23-374-RGA, 23-448-RGA, 23-470-RGA, 23-607-RGA, 23-684-RGA, 23-750-RGA are related cases involving common questions of law and fact, and the parties agree that interests of efficiency for the parties and the Court will be best served if they are consolidated;

WHEREAS, Plaintiffs and Defendants Alkem Laboratories Limited, Hetero Labs Limited, Hetero Labs Limited Unit-V, Hetero USA Inc., Lupin Limited, Lupin Pharmaceuticals, Inc., MSN Laboratories Private Ltd., MSN Life Sciences Pvt. Ltd., MSN Pharmaceuticals Inc., Princeton Pharmaceutical Inc., Zhejiang Huahai Pharmaceutical Co., Ltd., Solco Healthcare US, LLC, Sandoz Inc., Sun Pharmaceutical Industries Limited, Teva Pharmaceuticals, Inc., Zenara Pharma Private Limited and Biophore India Pharmaceuticals Private Ltd. (collectively, “Defendants”) agree to adopt and be bound by the same protective order that has been entered in C.A. No. 22-1423-RGA-JLH (D.I. 101) in C.A. Nos. 23-374-RGA, 23-448-RGA, 23-470-RGA, 23-607-RGA, 23-684-RGA, 23-750-RGA;

WHEREAS, Plaintiffs and Defendants agree to negotiate in good faith a revised schedule that preserves the existing trial date in C.A. No. 22-1423-RGA-JLH; now therefore,

IT IS HEREBY STIPULATED AND AGREED TO, by and between the parties, subject to the approval of the Court, as follows:

1. Pursuant to Fed. R. Civ. P. 15(a)(2) and D. Del. LR 15.1, Plaintiffs may file the Amended Complaint attached hereto as Exhibit 1. A version of the Amended Complaint indicating in what respects it differs from the Original Complaint is attached hereto as Exhibit 2.
2. The Amended Complaint shall be filed as a separate docket entry item upon entry of this stipulation and shall be deemed served upon filing.

3. The following cases shall be consolidated for all purposes: C.A. Nos. 22-1423-RGA-JLH, 23-374-RGA, 23-448-RGA, 23-470-RGA, 23-607-RGA, 23-684-RGA, 23-750-RGA. Hereafter, all papers in the consolidated case shall be filed in C.A. No. 22-1423-RGA-JLH and shall bear the following caption (the “Consolidated Action”):

ABBVIE INC., ABBVIE LTD, and)	
NEUROCRINE BIOSCIENCES, INC.)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 22-1423-RGA-JLH
)	CONSOLIDATED
ALKEM LABORATORIES LIMITED, et al.,)	
)	
Defendants.)	
)	
)	

4. The parties in the Consolidated Action shall be bound by the Protective Order that is in effect in C.A. No. 22-1423-RGA-JLH (D.I. 101).

/s/ Jeremy A. Tigan

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Dated: August 10, 2023

SO ORDERED, this 16th day of August, 2023.

/s/ Richard G. Andrews

United States District Judge